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U.S. Commission on Civil Rights Hearing
Are Rights A Reality? Evaluating Federal Civil Rights Enforcement

Written testimony from South Asian Americans Leading Together (SAALT) delivered during the public comment period

November 2, 2018

Hello Members of the Commission,

I am Lakshmi Sridaran and I serve as the Director of National Policy and Advocacy for South Asian Americans Leading Together (SAALT). We are a national, non-partisan, non-profit organization that fights for racial justice and advocates for the civil rights of all South Asians. Our core policy priorities are in civil rights, immigration, and combatting hate crimes.

In our critical work both documenting and addressing hate violence against our communities, we rely on the Department of Justice to enforce hate crimes protections at the federal level. During a time when hate violence against South Asian, Muslim, Sikh, Hindu, Middle Eastern, and Arab American communities has risen nearly 45% in the last year alone, our data found that for every one in five hate incidents we documented, the perpetrator referenced President Trump, a Trump administration policy, or a Trump campaign slogan while committing the act of violence. We are further appalled that underreporting of hate crimes is occurring at a factor of over 40:1 according to the National Crime Victimization Survey. Even more unacceptable are ProPublica's recent findings that 120 federal agencies have not complied with mandates to submit hate crimes data to the FBI. In fact, their investigation found that the FBI itself is not submitting hate crimes it investigates to its own database.

The DOJ must make hate crimes by both local law enforcement and federal agencies mandatory (with consequences for inaction) to ensure we all have the data to even understand the magnitude of this problem and then fully enforce and prosecute hate crimes.

Additionally, we are deeply disturbed by the racist and anti-immigrant framework being advanced by this Department of Justice through its "Task Force on Crime Reduction and Public Safety," defined as so-called "illegal immigration," drug trafficking, and violent crime. A subcommittee within this Task Force focuses on hate crimes. This infrastructure advances the myth of immigrants as perpetrators of hate crimes rather than focusing on the growing problem of white supremacist hate violence targeting communities of color.

Lastly, on this point, prosecutions cannot be the only tool of enforcement to address hate crimes. This DOJ eliminated the budget of its Community Relations Service. CRS was an arm of DOJ that supported the very difficult task of building trust between communities and law enforcement, which research and evidence strongly suggests is one of the most effective ways to improve hate crimes reporting. This DOJ has undermined a key tool for addressing and preventing hate crimes.

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On immigration, another priority area at SAALT, we are aware and disturbed by the number of detainees in both public and private detention facilities across the country facing a number of civil rights violations. This includes withholding medical treatment and medicine, denying religious accommodations, lack of critical language interpretation, force feeding, abusive treatment and retaliation by detention center staff, and denial of bond hearings.

The office of Civil Rights and Civil Liberties (CRCL) within DHS must have more power and resources. SAALT filed an official civil rights complaint with CRCL in 2015 regarding the treatment of more than 50 South Asian asylum seekers detained in the El Paso County Detention Facility who were on hunger strike for a week after waiting for years for hearings even after passing credible fear tests. CRCL conducted an investigation and turned its findings and recommendations over to ICE. As far as we know and were informed by the previous DOJ-CRCL leadership before they departed at the end of 2016, those findings and recommendations are still sitting with ICE and there have been no remedies. We continue to hear about more asylum seekers facing these conditions in detention centers across the country – from Folkston, GA to Victorville, CA to Sheridan, OR.

DHS staff visited the Folkston, GA detention facility, a private detention center run by GEO group, in August of this year after receiving several complaints about the treatment of detainees. DHS and ICE have yet to provide an update on this visit. This will no doubt be a growing problem give the administration's announcement that they will indefinitely imprison all immigrants, including vulnerable families fleeing violence and persecution, until their immigration court hearings, which may take years.

Due to the deference to ICE within DHS, we recommend an independent ombudsperson position be created to liaison between communities and CRCL to move such complaints through a transparent process and ensure the civil rights of all detainees are enforced.

Lastly, as confirmed by the current DHS officer for Civil Rights and Civil Liberties, DHS does not track the number of asylum seekers, refugees, or detainees in federal detention facilities by country of origin. ICE online detainee locator systems do not record persons under the age of 18 nor do they track transfer of detainees. This poses a serious challenge because many detainees are transferred to states where access to counsel and resources is limited, if not impossible.

The lack of data collection by both DOJ and DHS, the lack of transparency with investigations, findings, and remedies all gravely undermine the enforcement of civil rights across all of our communities. We have lost confidence in the federal government's responsibility or ability to utilize their power to uphold our civil rights.